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Terminal
Disclaimer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Robert M. GOODMAN *et al.*

Appl. No.: 09/447,505

Filed: November 23, 1999

Title: Molecular Farming

Art Unit: 1638

Examiner: Cynthia E. COLLINS

Atty. Docket: 18337.005

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Terminal Disclaimer

Commissioner for Patents
Washington, D.C. 20231

Sir:

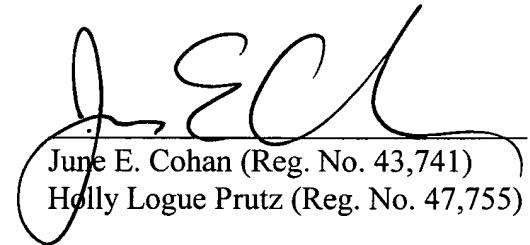
Calgene LLC (hereinafter the "Owner"), the assignee and owner of the entire right, title, and interest in the instant application by virtue of the assignment recorded on November 25, 1985 at Reel 4480, Frame 0482, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the last day of the full statutory term of any patent granted on commonly owned Patent Numbers 6,096,547, issued on August 1, 2000; 5,629,175, issued on May 13, 1997; 5,550,038, issued on August 27, 1996; and 4,956,282, issued on September 11, 1990 (hereinafter the "Prior Patents").

The Owner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and the Prior Patents are commonly owned and agrees that this Terminal Disclaimer shall run with any patent granted on the instant application and shall be binding on the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term of the Prior Patents, as shortened by any terminal disclaimer, in the event that the Prior Patents: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise prematurely terminated except as provided by a terminal disclaimer as recited above.

The fee set forth in 37 C.F.R. § 1.20(d) is believed to be \$110.00. The Commissioner is hereby requested to charge the fee to Arnold & Porter Deposit Account Number 50-2387, referencing matter no. 18337.005.

Respectfully submitted,



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Date: March 3, 2003

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